


COUNTY OF YORK

MEMORANDUM

DATE: November 18, 1999 (BOS Mtg. 12/1/99)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator 

SUBJECT: Application No. ZT-43-99, Economic Opportunity Zoning District

Issue

As you are aware, commercial development in the upper County, sparked by the road and utility improvements in the area, has been increasing and is expected to continue to do so in the future. The entire Route 199 corridor and most of the remaining commercial property in the upper County is zoned EO-Economic Opportunity. With the availability of large, vacant tracts of land, there is concern among staff that the potential exists for land use conflicts in this district, particularly in the Lightfoot area, where the predominant development pattern is retail and tourist-oriented.

The 1991 Comprehensive Plan envisioned commercial development along the Route 199 and Route 132 corridors in the upper County, which was to be guided by the creation of a new zoning district. The “new, more-flexible economic zoning classification ... [that] would allow, either by right, by use permit or through a planned development ... a range of economic development uses” was an implementation strategy in the Economic Development element of the Plan. The intent and goals of the Economic Opportunity district were outlined in the Land Use element of the Plan: “This designation is intended to guide a mix of commercial, tourist-related, and limited industrial uses to certain portions of the County that have or are projected to have the access and infrastructure necessary to support both capital and employment intensive uses. Development at these locations is expected to be in keeping with that of the surrounding development and sensitive to the natural environment ... The employment benefit to the County should be positive and enhance the tax base by increasing the County’s fiscal strength.” The areas identified in the 1991 Plan, including much of the undeveloped commercial acreage in the upper County were rezoned to Economic Opportunity during the 1995 comprehensive rezoning of the County. The EO zoning was applied to six areas of the County: the Route 199 corridor in Lightfoot; the Mershon and Royalls tracts along Mooretown Road; the Colonial Williamsburg-owned property along Route 132; the Busch property along the lower portion of 199; the remaining property along lower Route 199 including the state fuel farm; and a small area along the west side of Route 17, south of Production Drive.

Until recently, commercial growth in the upper County was confined primarily to the Route 60 and Route 143 corridors. Within the past two years, however, some of the growth has been attracted to the Route 199 corridor in Lightfoot. Colonial Photography, Lowe’s, the Williamsburg Antique Mall, and the A-1 mini-storage warehouse all opened during this time. In addition, the Peppertree timeshare resort and Days Inn hotel are

currently under construction in the area. Mooretown Road is nearly complete, which has opened the Wilkinson property to development, as well as the Mershon and Royalls tracts. A timeshare resort is planned for the Mershon tract and various retail uses have been discussed for the Wilkinson tract. It is likely that development in the Lightfoot and Mooretown Road area will continue to be retail and tourist-related. It is staff's opinion that some of the uses permitted as a matter of right or with a special use permit in the Economic Opportunity zoning district may conflict with this retail and tourist-oriented development. In addition, some of the uses do not meet the intent of the district regarding employment goals, fiscal benefits, and environmental sensitivity. Many of the uses that are not permitted as freestanding uses in the EO district *are* permitted in an industrial park in the EO district, provided that they are permitted in the IL – Limited Industrial district¹. A comprehensive list of uses permitted in the EO district was compiled and examined for consistency with the intent and goals of the district as outlined in the Comprehensive Plan. From this list, staff and the Executive Director of the Industrial Development Authority (IDA) compiled a set of uses that may merit reconsideration. This list, along with the IDA and staff suggestions, follows:

Use	Table of Land Uses - Category Number	Permitted by Right - Special Use Permit (SUP)	Proposed change and reason
Flea markets	Category 8 Number 5	SUP	Proposed change: Delete <u>Reason:</u> <i>This use provides neither quality employment nor a great fiscal benefit to the County. In addition, flea markets can create a negative aesthetic impact on surrounding properties and the entire corridor</i>
Bowling alley	Category 9 Number 3	SUP	Proposed change: Permitted <u>Reason:</u> <i>While not offering great employment benefits to the County, this use is tourist-related and should complement the existing development pattern.</i>
Skating rink	Category 9 Number 6	SUP	Proposed change: Permitted <u>Reason:</u> <i>While not offering great employment benefits to the County, this use is tourist-related and should complement the existing development pattern.</i>
Marina, Dock, Boating Facility (Commercial)	Category 9 Number 13	SUP	Proposed change: Delete <u>Reason:</u> <i>No EO-zoned property has access to a body of water capable of supporting a marina, large-scale dock, or boating facility.</i>
Marina, Dock, Boating Facility (Private/Club)	Category 9 Number 14	SUP	Proposed change: Delete <u>Reason:</u> <i>No EO-zoned property has access to a body of water capable of supporting a marina, large-scale dock, or boating facility.</i>

¹ Section 24.1-482(a)(1)(p): "All uses permitted as a matter of right in the IL district shall also be permitted as a matter of right in a business or industrial park located in the EO district."

Auction houses	Category 10 Number 4	Permitted	<p>Proposed change: <i>SUP</i></p> <p>Reason: <i>This use may conflict with established as well as future uses; a special use permit requirement will help ensure that the use is sufficiently buffered and sited to minimize the potential for conflicts with adjacent uses.</i></p>
Convenience store	Category 10 Number 5	Permitted	<p>Proposed change: <i>SUP</i></p> <p>Reason: <i>This use provides below-average employment opportunities and is often sited without regard for the aesthetics of the surrounding area. The requirement of a SUP will help ensure that the use is sufficiently buffered and sited to minimize the potential for conflicts with adjacent uses. This use is essentially the same as an automobile fuel-dispensing establishment with an accessory convenience store; staff is aware of this ambiguity and will propose corrections for this problem during the next series of Zoning Ordinance "housekeeping" amendments.</i></p>
Lumberyard	Category 10 Number 15	Permitted	<p>Proposed change: <i>Delete</i></p> <p>Reason: <i>The current ordinance allows "lumberyards" as a matter of right in the EO district and that is the category under which Lowe's located its new store in Lightfoot. However, there is a distinct difference between this type of "home improvement center" (e.g., Lowe's, Home Depot, H.Q., etc.) and a more traditional "lumberyard" with an outdoor lumber storage area (e.g., 84 Lumber, etc.). Staff believes this difference, and the potential aesthetic impact of the outdoor "lumberyard" should be recognized by deleting "lumberyards" as a stand-alone facility (they may still be sited in an industrial park). At the same time, staff believes that "home improvement centers" should be defined and listed as a permitted use in the EO.</i></p>
Fast food restaurant	Category 11 Number 14	Permitted	<p>Proposed change: <i>SUP</i></p> <p>Reason: <i>This use offers below-average employment opportunities and is often sited without regard for the aesthetics of the area. In certain circumstances, however, this use may provide a service to the citizens and visitors to the area. A special use permit will help ensure that these restaurants are placed with respect to adjacent uses and the visual landscape of the area.</i></p>
Restaurant/Drive-in	Category 11 Number 15	Permitted	<p>Proposed change: <i>SUP</i></p> <p>Reason: <i>This use offers below-average employment opportunities and is often sited without regard for the aesthetics of the area. In certain circumstances, however, this use may provide a service to the citizens and visitors to the area. A special use permit will help ensure that these restaurants are placed with respect to adjacent uses and the visual landscape of the area.</i></p>

Restaurant – carry-out/delivery only	Category 11 Number 16	Not Permitted	<p>Proposed Change: SUP</p> <p>Reason: This use, which includes pizza delivery establishments, is common in shopping centers and provides a service to the local area. While the employment and fiscal benefits to the County are marginal, this use does complement the desired retail development pattern and the requirement of a SUP will help ensure that they are properly sited and buffered to minimize impacts on adjacent uses.</p>
Small engine repair	Category 11 Number 17	Permitted	<p>Proposed change: Delete</p> <p>Reason: This use does not provide quality employment or offer a substantial fiscal benefit to the County. In addition, it will conflict with the desired development pattern as a stand-alone facility. This use would be better suited in an industrial park, which is permitted in this district.</p>
Automobile fuel dispensing establishment (may include accessory convenience store and/or car wash)	Category 12 Number 2	Permitted	<p>Proposed change: SUP</p> <p>Reason: Gas stations and convenience stores provide below-average employment opportunities and are often sited without regard for the aesthetics of the area. The requirement of a SUP will help ensure that the use is sufficiently buffered and sited to minimize the potential for conflicts with adjacent uses. This use is essentially the same as a convenience store with accessory gas pumps; staff is aware of this ambiguity and will attempt to correct this problem during the next series of Zoning Ordinance "housekeeping" amendments.</p>
Auto repair garage	Category 12 Number 3	SUP	<p>Proposed change: Delete</p> <p>Reason: This use will conflict with the desired development pattern as a stand-alone facility. In addition, it does not meet the intent of the district to be sensitive to the surrounding environment. It would be better suited in an industrial park, which is permitted in this district.</p>
Auto body work/painting	Category 12 Number 4	SUP	<p>Proposed change: Delete</p> <p>Reason: This use will conflict with the desired development pattern as a stand-alone facility. In addition, it does not meet the intent of the district to be sensitive to the surrounding environment. It would be better suited in an industrial park, which is permitted in this district.</p>
Heavy truck and equipment sales, rental, and service	Category 12 Number 6	SUP	<p>Proposed change: Delete</p> <p>Reason: This use will conflict with the desired development pattern as a stand-alone facility. In addition, it does not meet the intent of the district to be sensitive to the surrounding environment. It would be better suited in an industrial park, which is permitted in this district.</p>

Farm equipment sales, rental, and service	Category 12 Number 7	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern as a stand-alone facility. It would be better suited in an industrial park, which is permitted in this district.
Manufactured home sales, rental, and service	Category 12 Number 8	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited to the Limited Industrial district, where it is permitted with a special use permit.
Boat sales, service, rental, and fuel dispensing	Category 12 Number 9	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited in the General Business district, where it is permitted as a matter of right, or the Limited Industrial district, where it is permitted with a special use permit. It should be noted that the Executive Director of the IDA does not support the deletion of this use and, instead, supports the continued requirement of a SUP.
Marine railway, boat building and repair	Category 12 Number 10	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited in the General Business or Water-oriented Commercial and Industrial districts, where it is permitted as a matter of right.
Truck terminal	Category 12 Number 12	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited in an industrial district, where it is permitted as a matter of right.
Bus service/repair facility	Category 12 Number 18	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited in an industrial district, where it is permitted as a matter of right.
Wholesale auction establishment without outdoor storage	Category 14 Number 1	Permitted	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern generates marginal employment opportunities. These facilities are not typically sensitive to the surrounding environment and can have adverse aesthetic impacts on surrounding properties. It would be better suited in the General Business or industrial districts, where it is permitted as a matter of right.
Wholesale auction establishment with outdoor storage	Category 14 Number 1	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. These facilities are not typically sensitive to the surrounding environment and can have adverse aesthetic impacts on surrounding properties. It would be better suited in the General Business or industrial districts, where it is permitted as a matter of right.

Seafood receiving, packing, and storage	Category 14 Number 4	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern. It would be better suited in the Water-oriented Commercial and Industrial or General Industrial districts, where it is permitted as a matter of right.
Petroleum products bulk storage/distribution	Category 14 Number 5	SUP	Proposed change: Delete <u>Reason:</u> This use will conflict with the desired development pattern and is not sensitive to the surrounding environment. It would be better suited in the General Industrial district, where it is permitted as a matter of right.
Mini-storage warehouses	Category 14 Number 6	SUP	Proposed change: Delete <u>Reason:</u> This use does not provide quality employment or a substantial fiscal benefit to the County. In addition, it is often sited without regard for the aesthetics of the area. Mini-storage warehouses are better suited in an industrial district.
Contractor's shops with enclosed storage of equipment or materials	Category 15 Number 4(a)	Permitted	Proposed change: Delete <u>Reason:</u> This use may conflict with desired development patterns and would be better suited in an industrial district or in an industrial park.
Contractor's shops with outdoor/exposed storage	Category 15 Number 4(b)	SUP	Proposed change: Delete <u>Reason:</u> This use may conflict with desired development patterns and would be better suited in an industrial district or in an industrial park.
Laundry, dry cleaning plant (institutional)	Category 15 Number 5	Permitted	Proposed change: Delete <u>Reason:</u> This use will conflict with desired development patterns and offers a marginal employment and fiscal benefit to the County. It would be better suited in an industrial district or in an industrial park.
Stone monument sales, processing	Category 15 Number 6	SUP	Proposed change: Delete <u>Reason:</u> As a freestanding building, this use will conflict with the desired development patterns. In addition, the employment and fiscal benefits to the County are marginal. It would be better suited in an industrial district.
Machine shops & fabricators	Category 15 Number 8	Permitted	Proposed change: Delete <u>Reason:</u> This use will conflict with desired development patterns. In addition, the employment and fiscal benefits to the County are marginal. It would be better suited in an industrial park, which is permitted in this district.
Ice manufacturing and storage	Category 15 Number 10	Permitted	Proposed change: Delete <u>Reason:</u> This use will conflict with desired development patterns. In addition, the employment and fiscal benefits to the County are marginal. It would be better suited in an industrial park, which is permitted in this district.
Sales, distribution, and installation of glass, including windows, mirrors and/or automobile glass	Category 15 Number 11	Permitted	Proposed change: Delete <u>Reason:</u> This use will conflict with desired development patterns. In addition, the employment and fiscal benefits to the County are marginal. It would be better suited in an industrial park, which is permitted in this district.

Recycling center	Category 15 Number 12	Permitted	Proposed change: Delete Reason: <i>This use will conflict with desired development patterns. In addition, the employment and fiscal benefits to the County are marginal. It would be better suited in an industrial park, which is permitted in this district.</i>
Recycling plant	Category 15 Number 13	Permitted	Proposed change: Delete Reason: <i>This use will conflict with desired development patterns, is not sensitive to the surrounding environment, and does not offer a great fiscal benefit to the County. This use would be better suited in an industrial district.</i>
Home Improvement Center	Not Listed	Not Listed	Proposed change: Permitted Reason: <i>See "Lumberyard" (Category 10, Number 15) explanation.</i>

Proposed Definitions

Hardware Store – A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "Home Improvement Center."

Home Improvement Center – A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Planning Commission Recommendation

The Planning Commission, following its public hearing on this application on November 9, 1999, voted 6:0 (Mr. King absent) in favor of its approval. One citizen offered comments without offering a recommendation to approve or deny the revisions.

County Administrator Recommendation

The changes discussed above will help preserve the original intent of the district: to provide quality employment to the citizens and to enhance the County's tax base while remaining in concert with surrounding development. Therefore, I recommend the approval of this application, which can be accomplished through the adoption of Ordinance O99-17.

Baldwin/3495.ppl
Attachments

- Excerpts, unapproved Planning Commission minutes, 11/9/99
- Proposed Ordinance O99-17

Excerpts
Unapproved Planning Commission Minutes
November 9, 1999

Application No. ZT-43-99, York County Planning Commission

Mr. Adam Kinsman reviewed the report to the Commission dated November 3, 1999, and noted the staff recommendation of approval by the adoption of Resolution PC99-30.

The Chair opened the public hearing.

Mr. Howard Jenkins, the developer of Lowe's in Lightfoot, addressed the Commission. Mr. Jenkins said that Lowe's has a philosophy of responsible development. Mr. Jenkins suggested the County provide a set of guidelines for the Economic Opportunity District that is available to all prospective developers because he felt what was allowed in the district had been misrepresented to him during his preliminary research; he said he "was told that the Economic Opportunity District was wide open." He stated he has negotiated several leases that would not be permitted under the proposed revisions and he is uncertain whether to continue negotiations with those prospects. He suggested that the County consider adopting two separate EO districts to accommodate industrial and retail operations separately. Mr. Jenkins said he would like the County to permit convenience stores, gasoline fueling pumps, and fast food establishments within the EO district.

There were no others to speak, and the Chair closed the public hearing.

Mr. Hendricks noted that the Commission is obligated to maintain some control over the development of Route 199.

Mr. Lockwood said a characteristic of the Boards and Commissions in the County is their reliance on the expertise of its professional staff.

Mr. Baldwin added that developing specific performance standards for certain uses in the EO district quite often would be more restrictive than those of a special use permit. The approval of the application would allow staff to work together with the developers rather than hampering quality development through a set of strict guidelines.

Mr. Lockwood moved to adopt Resolution PC99-30 to recommend approval, and it passed by roll call vote of 6:0 (King absent). The resolution reads:

A RESOLUTION TO RECOMMEND AMENDMENTS TO SEC. 24.1-104, DEFINITIONS, AND SEC. 24.1-306, TABLE OF LAND USES, CHAPTER 24.1, ZONING, YORK COUNTY CODE

WHEREAS, Sec. 24.1-104 establishes the definitions for the York County Zoning Ordinance; and

WHEREAS, Sec. 24.1-306 of the Zoning Ordinance establishes a table of land uses for the zoning districts in the County; and

WHEREAS, it has been brought to the Commission's attention that some of the permitted uses in the Economic Opportunity zoning district may be incompatible with the desired development pattern; and

WHEREAS, areas along the Route 199 corridor in the upper County are rapidly developing;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 1999, that it does hereby recommend amendments to Sec. 24.1-104, "Definitions," and Sec. 24.1-306, "Table of land uses," Chapter 24.1, Zoning, York County Code, as follows:

Sec. 24.1-104. Definitions.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "Home Improvement Center."

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Sec. 24.1-306. Table of land uses.

USES <i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i> <i>A=PERMITTED BY ADMINISTRATIVELY ISSUED PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 8 - TEMPORARY USES												
1. Carnival, Circus, Fair, Festival or Similar Special Event	A	A	A	A	A	A	A	A	A	A	A	A	A
2. Sale of Seasonal Items such as Christmas Trees, Produce	A	A	A	A	A	A	A	A	A	A	A	A	A
3. Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A	A
4. Craft Shows & Sales	A	A	A	A	A	A	A	A	A	A	A	A	A
5. Flea Markets									S		S	S	S
6. Temporary Construction Office Trailers & Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A
7. Temporary Construction Workers' Parking	S	S	S	S	S	S	P	P	P	P	P	P	P
8. Temporary Home While Constructing Permanent Dwelling Facilities	A	A	A	A		A				A			
9. Temporary Trailers for Business or School Use	A	A	A	A	A	A	A	A	A	A	A	A	A
10. Model Home Display Parks									S			S	

USES <i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 9 - RECREATION AND AMUSEMENT (NON-GOVERNMENTAL)												
1. Theater - Indoor									P		P		
2. Health, Exercise, Fitness Centers Including Swimming and Racquet Sports													
a) Indoor Only							S	P	P		P	P	P
b) Indoor & Outdoor								S	P		P	P	P
3. Bowling Alley									P		SP		
4. Video Arcade, Pool Hall, Billiards Hall									S		S		
5. Indoor Family Amusement Center								S	P		P		
6. Skating Rink									P		SP		
7. Firing Range-Indoor Only									S			S	S
8. Miniature Golf, Waterslide, Skateboard Rink, Baseball Hitting Range, Outdoor Commercial Amusement									S		S		
9. Golf Driving Range	S								P		S	S	S
10. Country Club or Golf Course, Public or Private	S	S	S	S	S	S		S			S		
11. Campgrounds	S	S							S	S			
12. Theme Park, Amphitheater, Stadium									S		S	S	S
13. Marina, Dock, Boating Facility (Commercial)										P	S	P	P
14. Marina, Dock, Boating Facility (Private/Club)	S	S	S	S	S	S				P	S	P	P

D USE S = PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 10 - COMMERCIAL / RETAIL													
USES														
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P			
2. Wearing Apparel Store							P	P	P		P			
3. Appliance Sales									P		P			
4. Auction House								P	P		PS			
5. Convenience Store							S	S	P		PS	P		
6. Grocery Store							P		P		P			
7. Book, Magazine, Card Shop							P	P	P		P			
8. Camera Shop, One-Hour Photo Service							P	P	P		P	P	P	
9. Florist							P	P	P		P	P	P	
10. Gifts, Souvenirs Shop								P	P		P			
11. Hardware, Paint Store								P	P		P	P	P	
12. Hobby, Craft Shop								P	P		P			
13. Household Furnishings, Furniture									P		P			
14. Jewelry Store								P	P		P			
15. Lumberyard, Building Materials									S		P	P	P	
16. Music, Records, Video Tapes								P	P		P			
17. Drug Store							S	S	P		P			
18. Radio and TV Sales								S	P		P			
19. Sporting Goods Store								P	P		P			
20. Firearms Sales and Service								S	S		S			
21. Tobacco Store								P	P		P			
22. Toy Store								S	P		P			
23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops							P	P	P		P			
24. ABC Store								P	P		P			
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S	
26. Office Equipment & Supplies								P	P		P	P	P	
27. Pet Store							S	P	P		P			
28. Bike Store, Including Rental/Repair							P	P	P		P	P	P	
29. Piece Goods, Sewing Supplies							P	P	P		P			
30. Optical Goods, Health Aids or Appliances								P	P		P	P	P	
31. Fish, Seafood Store									P	P	P			
32. Department, Variety, Discount Store									P		P			
33. Auto Parts, Accessories (new parts)								P	P		P			
34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/ storage b) with outside display/storage								P	P			P		
35. Storage shed and utility building sales/display								S	S			S		
36. Home Improvement Center									S			P	P	

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE												
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P	P	P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home								S	P		P		
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		PS		
15. Restaurant/Drive In								S	P		PS		
16. Restaurant - Carry-out/Delivery only							S	P	P		S		
17. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P	P	P	P
18. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
19. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
20. Professional Pharmacy							P	P	P		P		

P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 12 - MOTOR VEHICLE / TRANSPORTATION												
1. Car Wash								S	P		S		
2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)									P		PS	P	
3. Auto Repair Garage									S		S	P	P
4. Auto Body Work & Painting											S	P	P
5. Auto or Light Truck Sales, Rental, Service (Including Motorcycles or R.V.'s) a) Without Auto Body Work & Painting									P		S	P	P
b) With Body Work & Painting									S		S	S	P
6. Heavy Truck and Equipment Sales, Rental, Service									S		S	P	P
7. Farm Equipment Sales, Rental, Service									S		S	P	P
8. Manufactured Home Sales, Rental, Service									S		S	S	S
9. Boat Sales, Service, Rental, and Fuel Dispensing									P	P	S	S	
10. Marine Railway, Boat Building and Repair										P	S	P	P
11. Truck Stop												S	S
12. Truck Terminal											S	P	P
13. Heliport									S		S	S	S
14. Helipad									S		S	P	P
15. Airport											S	S	S
16. Bus or Rail Terminal									P		S	P	P
17. Automobile Graveyard, Junkyard													S
18. Bus Service/Repair Facility											S	P	P

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 13 - SHOPPING CENTERS / BUSINESS PARKS												
USES													
1. Neighborhood Shopping Center							P	P	P		P		
2. Community or Regional Shopping Center									P		P		
3. Specialty Shopping Center								S	P		P		
4. Office Park								P	P		P	P	P
5. Industrial Park											P	P	P

P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 14 - WHOLESALING / WAREHOUSING												
1. Wholesale Auction Establishment a) without outdoor storage/activity b) with outdoor storage									P		P	P	P
									S		S	P	P
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P
3. Wholesale Trade Establishment (May Include accessory retail sales) a) without outdoor storage b) with outdoor storage									P		P	P	P
									S		S	P	P
4. Seafood Receiving, Packing, Storage										P	S	S	P
5. Petroleum Products Bulk Storage/Retail Distribution											S	S	P
6. Mini-Storage Warehouses									S		S	S	P

P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 15 - LIMITED INDUSTRIAL ACTIVITIES												
1. Laboratories, Research/Development Testing Facilities									S		P	P	P
2. Publishing, Printing, Other than general public and business/professional services									P		P	P	P
3. Computer and Technology Development and Assembly									P		P	P	P
4. Contractors' Shops (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.) a) With Enclosed Storage of Equipment or Materials b) With Outdoor/Exposed Storage									P		P	P	P
									S		S	P	P
5. Laundry, Dry Cleaning Plant (institutional)											P	P	P
6. Stone Monument Sales, Processing											S	S	P
7. Manufacture or Assembly of Electronic Instruments, Components, Devices									S	S	P	P	P
8. Machine Shops & Fabricators									S	S	P	P	P
9. Manufacture or Assembly of Medical, Drafting, Metering, Marine, Photographic, Mechanical Instruments											P	P	P
10. Ice Manufacturing and Storage											P	P	P
11. Sales, Distribution, and Installation of Glass, Including Windows, Mirrors, and/or Automobile Glass								S	P		P	P	P
12. Recycling Center								S	S		P	P	P
13. Recycling Plant									P		P	P	P

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Room,
York County Finance Building, Yorktown, Virginia, on the ____ day of ____, 1999:

Present

Vote

Sheila S. Noll, Chairman
James W. Funk, Vice Chairman
Walter C. Zaremba
Albert R. Meadows
Jere M. Mills

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-43-99,
YORK COUNTY PLANNING COMMISSION, TO REVISE SECTION
24.1-104, "DEFINITIONS," AND SECTION 24.1-306, "TABLE OF
LAND USES," CHAPTER 24.1, ZONING, YORK COUNTY CODE

WHEREAS, Section 24.1-104 establishes the definitions for the York County Zoning Ordinance; and

WHEREAS, Section 24.1-306 of the Zoning Ordinance establishes a table of land uses for the zoning districts in the County; and

WHEREAS, it was brought to the attention of the Planning Commission that some of the permitted uses in the Economic Opportunity zoning district may be incompatible with the desired development pattern; and

WHEREAS, areas along the Route 199 corridor in the upper County are rapidly developing; and

WHEREAS, the Planning Commission has sponsored Application No. ZT-43-99 to recommend revisions to the two aforementioned sections of the Zoning Ordinance; and

WHEREAS, subsequent to conducting a public hearing, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the _____ day of _____, 1999, that Application No. ZT-43-99 be, and it is hereby, approved to amend the York County Zoning Ordinance as follows:

Sec. 24.1-104. Definitions.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "Home Improvement Center."

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Sec. 24.1-306. Table of land uses.

P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT A = PERMITTED BY ADMINISTRATIVELY ISSUED PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 8 - TEMPORARY USES												
1. Carnival, Circus, Fair, Festival or Similar Special Event	A	A	A	A	A	A	A	A	A	A	A	A	A
2. Sale of Seasonal Items such as Christmas Trees, Produce	A	A	A	A	A	A	A	A	A	A	A	A	A
3. Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A	A
4. Craft Shows & Sales	A	A	A	A	A	A	A	A	A	A	A	A	A
5. Flea Markets									S		S	S	S
6. Temporary Construction Office Trailers & Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A
7. Temporary Construction Workers' Parking	S	S	S	S	S	S	P	P	P	P	P	P	P
8. Temporary Home While Constructing Permanent Dwelling Facilities	A	A	A	A		A				A			
9. Temporary Trailers for Business or School Use	A	A	A	A	A	A	A	A	A	A	A	A	A
10. Model Home Display Parks									S			S	

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 9 - RECREATION AND AMUSEMENT (NON-GOVERNMENTAL)												
1. Theater - Indoor									P		P		
2. Health, Exercise, Fitness Centers Including Swimming and Racquet Sports													
a) Indoor Only							S	P	P		P	P	P
b) Indoor & Outdoor								S	P		P	P	P
3. Bowling Alley									P		SP		
4. Video Arcade, Pool Hall, Billiards Hall									S		S		
5. Indoor Family Amusement Center								S	P		P		
6. Skating Rink									P		SP		
7. Firing Range-Indoor Only									S			S	S
8. Miniature Golf, Waterslide, Skateboard Rink, Baseball Hitting Range, Outdoor Commercial Amusement									S		S		
9. Golf Driving Range	S								P		S	S	S
10. Country Club or Golf Course, Public or Private	S	S	S	S	S	S		S			S		
11. Campgrounds	S	S							S	S			
12. Theme Park, Amphitheater, Stadium									S		S	S	S
13. Marina, Dock, Boating Facility (Commercial)										P	S	P	P
14. Marina, Dock, Boating Facility (Private/Club)	S	S	S	S	S	S				P	S	P	P

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL												
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P		
2. Wearing Apparel Store							P	P	P		P		
3. Appliance Sales									P		P		
4. Auction House								P	P		PS		
5. Convenience Store							S	S	P		PS	P	
6. Grocery Store							P		P		P		
7. Book, Magazine, Card Shop							P	P	P		P		
8. Camera Shop, One-Hour Photo Service							P	P	P		P	P	P
9. Florist							P	P	P		P	P	P
10. Gifts, Souvenirs Shop								P	P		P		
11. Hardware, Paint Store								P	P		P	P	P
12. Hobby, Craft Shop								P	P		P		
13. Household Furnishings, Furniture									P		P		
14. Jewelry Store								P	P		P		
15. Lumberyard, Building Materials									S		P	P	P
16. Music, Records, Video Tapes								P	P		P		
17. Drug Store							S	S	P		P		
18. Radio and TV Sales								S	P		P		
19. Sporting Goods Store								P	P		P		
20. Firearms Sales and Service								S	S		S		
21. Tobacco Store								P	P		P		
22. Toy Store								S	P		P		
23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops							P	P	P		P		
24. ABC Store								P	P		P		
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S
26. Office Equipment & Supplies								P	P		P	P	P
27. Pet Store							S	P	P		P		
28. Bike Store, Including Rental/Repair							P	P	P		P	P	P
29. Piece Goods, Sewing Supplies							P	P	P		P		
30. Optical Goods, Health Aids or Appliances								P	P		P	P	P
31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		
34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/ storage b) with outside display/storage								P	P			P	
								S	S			S	
35. Storage shed and utility building sales/display									S			P	P

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P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE												
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P	P	P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home								S	P		P		
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		PS		
15. Restaurant/Drive In								S	P		PS		
16. Restaurant - Carry-out/Delivery only							S	P	P		S		
17. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P	P	P	P
18. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
19. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
20. Professional Pharmacy							P	P	P		P		

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P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NR	LB	GB	WCI	EO	IL	IG	
	CATEGORY 14 - WHOLESALING / WAREHOUSING													
1. Wholesale Auction Establishment a) without outdoor storage/activity b) with outdoor storage									P		P	P	P	
									S		S	P	P	
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P	
3. Wholesale Trade Establishment (May Include accessory retail sales) a) without outdoor storage b) with outdoor storage									P		P	P	P	
									S		S	P	P	
4. Seafood Receiving, Packing, Storage										P	S	S	P	
5. Petroleum Products Bulk Storage/Retail Distribution											S	S	P	
6. Mini-Storage Warehouses									S		S	S	P	

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 15 - LIMITED INDUSTRIAL ACTIVITIES												
1. Laboratories, Research/Development Testing Facilities									S		P	P	P
2. Publishing, Printing, Other than general public and business/professional services									P		P	P	P
3. Computer and Technology Development and Assembly									P		P	P	P
4. Contractors' Shops (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.) a) With Enclosed Storage of Equipment or Materials									P		P	P	P
b) With Outdoor/Exposed Storage									S		S	P	P
5. Laundry, Dry Cleaning Plant (institutional)											P	P	P
6. Stone Monument Sales, Processing											S	S	P
7. Manufacture or Assembly of Electronic Instruments, Components, Devices									S	S	P	P	P
8. Machine Shops & Fabricators									S	S	P	P	P
9. Manufacture or Assembly of Medical, Drafting, Metering, Marine, Photographic, Mechanical Instruments											P	P	P
10. Ice Manufacturing and Storage											P	P	P
11. Sales, Distribution, and Installation of Glass, Including Windows, Mirrors, and/or Automobile Glass								S	P		P	P	P
12. Recycling Center								S	S		P	P	P